IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 5164 of 2005

Between:

D. Venkaiah, S/o. Raghvaiah @ Kappaiah,
R/o. Kothur Village, Nellore Bit-I, Nellore.

..... PETITIONER

AND

1 The District Collector, Nellore District, Nellore.
2 The Mandal Revenue Officer, Nellore,

Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not passing any orders on the representation made by the petitioner on 13-12-2004 and trying to dispossess the petitioner from the land in an extent of 200 Ankanams in S.No. 2082, Arundhathi Wada, Kothur Village, Nellore Bit-I, Nellore with a direction to the Respondent No.1 to pass orders on the representation made by the Petitioner on 13-12-2004 and till such time not to dispossess the petitioner from the said property and pass such other or further order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.M.V.S.SAI KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Seeking Writ of Mandamus, declaring the action of the respondents in not passing any orders on the representation made by the petitioner on 13.12.2004 and trying to dispossess the petitioner from the land in an extent of 200 Ankanams in S.No.2082, Arundhathiwada, Kothur village, Nellore Bit-I, Nellore, as illegal and arbitrary, the present writ petition is filed.

It is stated that the Government issued D-form patta to the father of the petitioner for an extent of Ac.4.00 cents in S.No.2084/1 and 2084/2 in Kothur village and they have been cultivating the same. It is further submitted that the petitioner occupied land of an extent of 200 Ankanams in Grama Nattam in S.No.2082 of Kothur village and raised two thatched houses and residing there. It is further stated that on 12.12.2004 the 2nd respondent without following due procedure, forcibly removed the said two thatched houses, and being aggrieved by the action of the 2nd respondent, the petitioner made a representation to the 1st respondent on 13.12.2004 and is pending without passing appropriate orders. Hence the writ petition.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue.

Admittedly, the representation of the petitioner dated 13.12.2004 is pending consideration before the 1st respondent and appropriate orders have to be passed thereon in accordance with law.

In that view of the matter, I deem it appropriate to dispose of the writ petition, with a

direction to the 1st respondent to consider the representation of the petitioner dated 13.12.2004 and pass appropriate orders thereon, in accordance with law, within a period of 8 (eight) weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs.

Dated: 13.06.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The District Collector,

Nellore District, Nellore

2. The Mandal Revenue Officer,

Nellore, Nellore District

3. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

4. Two CD opies